

**REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

**Claim Status**

Claims 1-16 are pending and are rejected. Claims 1, 3, 6 and 9 are independent in form. Claims 1, 3, 6 and 9 are herein amended.

**Claim Rejections**

The Examiner has maintained the rejections of the pending claims which are as follows:

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by Mimura et al. (U.S. 5,280,359) ("Mimura"); Claims 3-5 under 35 U.S.C. §103(a) as being unpatentable over Mimura in view of Iwasaki (U.S. 5,461,452); claims 6-8 under 35 U.S.C. §103(a) as being unpatentable over Mimura in view of Iwasaki and further in view of Shimuzu (U.S. 5,400,074); and claims 9-15 under 35 U.S.C. §103(a) as being unpatentable over Mimura in view of Iwasaki and in view of Faltermeier (U.S. 5,579,156).

The present invention, as recited in, e.g., amended claim 1 regarding an image sensing apparatus having image sensing means (3), senses a subject image formed on an image sensing plane and outputs an image signal corresponding to the subject.

The invention recited in claim 1 is, for example, characterized in that:

(i) Initially, in a state that the image sensing means is sensing the subject image, a photographer selects any zone on the image-sensing plane in which an optimum exposure control state of exposure is desired to be obtained by zone selecting means (21).

(ii) Then, exposure detection is performed automatically for detecting an exposure condition on the basis of an image signal in a selected zone selected by the zone selecting means.

(iii) Next, an exposure control is performed automatically for controlling exposure based upon the exposure condition detected by the exposure control means (18e).

(iv) Next, memory means (18d) stores control parameters of the exposure control means when an exposure control processing by the exposure control means is completed and an optimum exposure control state is obtained.

(v) Subsequently, the control means automatically controls the exposure control means to keep an exposure control state corresponding to the control parameters stored in the memory means in the state (condition) that the control parameters corresponding to the optimum exposure control state is stored in the memory means, even if the selected zone is changed by the zone selecting means.

In this fashion, only by the photographer's selection of a zone (subject) while the image sensing means is sensing the subject image, will the optimum exposure control state in the selected zone be kept appropriately. That is, the optimum auto exposure control state is locked to the selected zone even if the zone selecting means changes the selected zone at a time other than when the image sensing means is sensing the subject image.

Accordingly, the image sensing apparatus recited in claim 1 enables to, *inter alia*, certainly perform optimum exposure control to the selected zone, even in a case where it is difficult for the photographer to accurately discern the state of exposure of the subject by the

EVF or LCD.

With regard to the cited prior art and in contrast to the foregoing features of operation of the claimed invention, Applicants respectfully submit that the invention as recited in the amended claims is patentably distinct over the art of record.

Mimura divides an image plane into 25 blocks and masks designated high-brightness blocks designated by using a select switch. Thereby, the remaining blocks of the 25 blocks are set as a photometric area in Mimura, and an optimizing of the exposure control to an object corresponding to the remaining blocks is performed. More specifically, Mimura performs exposure control based on an image signal level detected from the remaining blocks. In Mimura the designated high-brightness blocks and black-painted blocks (i.e., the masked area) are not used in the exposure control.

However, in an arrangement under the teachings of Mimura, if the masked blocks (masked area) are changed, an exposure control state is changed. Mimura does not disclose, teach or suggest storing control parameters and keeping the exposure control state by using the stored control parameters even if the masked area is changed in accordance with, for example, changing of a position and shape of light-sensing area. That is, Mimura does not disclose, teach or suggest at least the above-mentioned claim features (iv) and (v).

Iwasaki discloses a visual axis detecting device 110 which detects a visual axis of a photographer and a tracking device 155 which tracks a position which is near the position of object detected by device 110 and has approximate spectral characteristics. In Iwasaki, the exposure and focus are controlled by the tracking process. Iwasaki detects and keeps track of an object in the finder. However, Iwasaki does not disclose teach or suggest at least the above-mentioned claim features (iv) and (v).

Shimizu is directed to correcting a brightness attenuating characteristic (F) of the zoom lens responsive to the position of a zoom lens. However, Shimizu does not disclose, teach or suggest at least the above-mentioned claim features (iv) and (v).

Faltermeier discloses a photomicroscope with a video camera having an exposure time control for a still camera, which performs focus control by the auto-focus module 23 of the CCD camera 14, an exposure control by the exposure control 26, and a selection of image area (area position and area size) for exposure metering by the track ball 27c of the control panel 27.

However, video images stored in the auto-focus module 23 are merely a previous result of a focus detection condition and used for comparing with incoming video images to detect the best focus condition. This is at least one difference between the claimed invention and the apparatus of Faltermeier. That is, data in the auto-focus module 23 is changing every moment. Therefore, data stored in the auto-focus module 23 is not the adjusting data relating to the prescribed state. Faltermeier does not disclose, teach or suggest at least the above-mentioned claim features (iv) and (v).

Therefore, Applicants respectfully submit that the present invention is neither anticipated by nor rendered obvious in view of any of the cited references (Mimura, Iwasaki, Shimizu and Faltermeier) taken individually or in any combination. Applicants thus believe that claim 1 is in condition for allowance for at least the foregoing reasons.

The invention recited in the independent claims 1, 3, 6 and 9 are variations based on the various embodiments disclosed in the application. Each of the independent claims are similar in at least the foregoing respects discussed with reference to claim 1, which, Applicants submit, render them each allowable over the cited art. Hence, the foregoing, while focused for

illustrative reasons on independent claim 1, are applicable to independent claims 3, 6 and 9 as well.

### CONCLUSION

Accordingly, Applicants believe that independent claims 1, 3, 6 and 9 are allowable over the cited art as they each recite at least the foregoing features which are not disclosed, taught nor suggested by the cited art, taken alone or in combination. As such, claims 1, 3, 6 and 9 are believed to be in condition for allowance.

Furthermore, as claims 2, 3-5, 7-8, and 10-16 are dependent upon claims 1, 3, 6, and 9, Applicants submit that these dependent claims are also allowable for at least the same reasons as for the independent claims from which they depend. Thus while Applicants have not addressed the individual rejections of the dependent claims, Applicants however, reserve the right to address the individual rejection of the dependent claims in the future should the need arise.

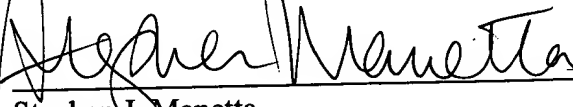
In the event that a telephone conference would facilitate prosecution of the instant application, the Examiner is invited to contact the undersigned at the number provided.

While the petitioned extension is believed sufficient to render the filing of this paper timely, should an additional extension of time be necessary, such is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4252US2.

Respectfully submitted,  
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